

PLANNING COMMISSION AGENDA
CITY OF NEWPORT BEACH
COUNCIL CHAMBERS - 3300 NEWPORT BOULEVARD
Thursday, March 8, 2012
Regular Meeting – 7:00 p.m.

MICHAEL TOERGE
Chair

BRADLEY HILLGREN
Vice Chair

FRED AMERI
Secretary

KORY KRAMER
JAY MYERS
LARRY TUCKER

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

KIMBERLY BRANDT, Community Development Director

**BRENDA WISNESKI, Deputy Community
Development Director**

LEONIE MULVIHILL, Assistant City Attorney TONY BRINE, City Traffic Engineer

NOTICE TO THE PUBLIC

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. Staff reports or other written documentation have been prepared for each item of business listed on the agenda. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200. The agendas, minutes, and staff reports are also available on the City's web site at: <http://www.newportbeachca.gov>.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally either three (3) or five (5) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant of this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or lbrown@newportbeachca.gov).

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

APPEAL PERIOD: Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

NEWPORT BEACH PLANNING COMMISSION AGENDA
Council Chambers – 3300 Newport Boulevard
Thursday, March 8, 2012
REGULAR MEETING
7:00 p.m.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. PUBLIC COMMENTS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. Before speaking, please state your name for the record and print your name on the tablet provided at the podium.

E. REQUEST FOR CONTINUANCES

F. CONSENT ITEMS

ITEM NO. 1 Minutes of February 23, 2012, Study Session

ACTION: Approve and file.

ITEM NO. 2 Minutes of February 23, 2012

ACTION: Approve and file.

G. PUBLIC HEARING ITEMS

ALL TESTIMONY GIVEN BEFORE THE PLANNING COMMISSION IS RECORDED. SPEAKERS MUST LIMIT REMARKS TO THREE (3) MINUTES ON ALL ITEMS. (Red light signifies when three (3) minutes are up; yellow light signifies that the speaker has one (1) minute left for summation.) Please print only your name on the pad that is provided at the podium.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Community Development Department, Planning Division located at 3300 Newport Boulevard, during normal business hours.

ITEM NO. 3 Alternative Setback Determination - (PA2012-015)
211 Orchid Avenue

SUMMARY: The applicant is requesting an alternative setback determination for property located at 211 Orchid Avenue to accommodate redevelopment of the site. The applicant is requesting that the following setbacks be established:

- Front - 10 feet (adjacent to Orchid Avenue)
- Side – 8 feet (adjacent to 3528 Ocean Boulevard)
- Side – 5 feet (adjacent to alley)
- Rear – 4 feet (opposite Orchid Avenue)

CEQA

COMPLIANCE: The project is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines - Class 5 (Minor Alterations in Land Use Limitations), which consists of minor alterations in land use limitations in areas with an average slope of less than twenty (20%) percent, which do not result in any changes in land use or density, including but not limited to: minor lot line adjustments, side yard, and setback variances not

resulting in the creation of any new parcel. The Alternative Setback Determination does not constitute a major change which would require environmental review.

- ACTION:**
- 1) Conduct public hearing; and
 - 2) Approve Staff Approval No. SA2012-002 with the attached Resolution and Alternative Setback Determination letter (Attachment No. PC 1) that would establish the following recommended setbacks:
 - Front - 20 feet (adjacent to Orchid Avenue)
 - Side – 4 feet (adjacent to 3528 Ocean Boulevard)
 - Side – 5 feet (adjacent to alley)
 - Rear - 4 feet (opposite Orchid Avenue)

ITEM NO. 4 Height of Fences, Hedges, Walls and Retaining Walls Code Amendment No. CA2012-001 (PA2012-018)

SUMMARY: The City adopted a comprehensive update of the Zoning Ordinance in October of 2011. The provisions establishing how the height of height of fences, hedges, walls and retaining walls were changed in low lying areas, principally Balboa Island, West Newport and the Balboa Peninsula. The change has created taller fences and walls in setback areas warranting review and possible changes.

CEQA COMPLIANCE: All significant environmental concerns for the proposed project have been addressed in a previously certified environmental document (Initial Study/Negative Declaration for the Zoning Code Update), and that the City of Newport Beach intends to use said document for the above noted project, and further that there are no mitigation measures that should be considered in conjunction with said project. Copies of the Initial Study/Negative Declaration for the Zoning Code Update are available for public review and inspection at the Planning Division at City Hall.

- ACTION:**
- 1) Conduct public hearing; and
 - 2) Adopt Resolution No. ____ recommending adoption of Code Amendment No. CA2012-001.

H. NEW BUSINESS

I. STAFF AND COMMISSIONER ITEMS

ITEM NO. 5 Community Development Director's report.

ITEM NO. 6 Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report.

ITEM NO. 7 Request for excused absences.

ADJOURNMENT